IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Shiv Bhagwan Vs. State of Rajasthan & Ors.
D.B. HABEAS CORPUS WRIT PETITION NO.77/2007

Writ Petition under Article 226 of the Constitution of India.

DATE OF ORDER :: 22nd February, 2007.

PRESENT

HON'BLE MR.JUSTICE S. P. PATHAK
HON'BLE MR.JUSTICE G. S. SARRAF

Mr. Ashok Parihar for petitioner.
Mr. V.R. Mehta, Addl. G.A.
Mr. S.G. Ojha for respondents No.4 to 6.
Miss.Yogita Mohnani, assisting lawyer.
Murarilal respondent No. 6 present in person.

Petitioner in this petition has made prayer for production of corpus Mohini before the Court.

In the petition, it is stated that his minor daughter was taken by respondent Murari. Reply to the petition has already been filed by the respondents.

Kamal Kumar, Sub Inspector of Police, Kotwali, Churu has produced the corpus today at 10:30 AM before the Court. After she was produced in the Court, she was

asked to sit in our Chambers in the company of assisting lady Advocate Miss. Yogita Mohnani. She remained in Chambers for two hours and thereafter she was asked by us as to where she wants to live. She stated in very specific terms that she wants to live with her husband. She has also stated that she is a married lady having a small child in her lap and there is danger to her life if she is handed over to her parents. She has further stated that her father is not a man of good character and has sexually assaulted her elder sister. Be that as it may, we asked Advocate Miss. Yogita Mohnani to record statement of Smt. Mohini. The Advocate Miss. Yogita has recorded her statement and the corpus has put her thumb impression thereon. The statement has been signed by the learned counsel for the petitioner as well as learned Addl. Govt. Advocate and the counsel for the respondents. The statement clearly narrates whatever the corpus has stated to us. The corpus is before us and appears to be major. She is having one year old child in her lap.

Mr. Kamal Kumar, Sub Inspector of Police has stated that he found the corpus outside Railway Station Jodhpur and thereafter she has been produced in the

Court.

After carefully examining the statement of Smt. Mohini, recorded by Advocate Miss. Yogita Mohnani in our presence, and taking into consideration the fact that she was given sufficient time to relax herself in the Chambers and it appeared that she was not under any influence or pressure of anybody and she has given the statement voluntarily.

In view of above, we are of the opinion that the corpus should be handed over to her husband Murari and therefore direct the Sub-Inspector present alongwith corpus Mohini to handover Mohini to her husband Murari Lal, respondent No.6.

Since no cause remains to be decided in this case, the petition stands dismissed.

The statement of Mrs. Mohini be taken on record.

(G.S. SARRAF)J. **(SATYA PRAKASH PATHAK)J.**

/jpa